

hereby promulgated: (1) That all individuals, corporations and partnerships authorized by license or permit to conduct the Babcock test in the State of Texas shall retain in a cool, clean, sanitary place and in tightly stopped bottles or tightly covered jars the exact, properly labelled samples of cream or milk from which the butter fat test has been conducted, until 6 p. m. of the next test day. (2) Upon such occasion as may be determined wise, the Agricultural Department or its inspectors may order any samples or samples held for a longer period than provided for by these regulations.

(b) Any person violating the provisions of these Articles shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars.

(Article 5736d) In addition to the rights and powers given to the Commissioner of Agriculture and his inspectors and agents by the provisions of Chapter 7, Title No. 93, of the Revised Civil Statutes of 1925, as amended by Acts of Regular Session of the 41st Legislature, the said Commissioner, his inspectors and agents are hereby authorized to enter any creamery, cheese factory, building, premises or place where milk, cream and dairy products are handled for the purpose of securing samples and/or checking tests on same, and except as herein provided, all of the provisions of said Chapter and Title shall apply to the purchase of cream, milk and butter fat in this State, and particularly as pertains to the standard of weights and measures received from the United States under a resolution of Congress, approved June 14, 1836, and particularly such new weights and measures as shall be received from the United States or which have been received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be procured by the State in conformity therewith and certified by the Bureau of Standards.

(Article 5736e) The units or standards of measure of capacity for use in the Babcock test shall be the true cubic centimeter, or the weight

of one (1) gram of distilled water, at four (4) degrees centigrade, and all other units and weights shall be in conformity with the standards prescribed by the United States Bureau of Standards, as aforesaid. The said Commissioner of Agriculture shall from time to time make tests of individual bottles and pipettes used by various persons, firms and corporations in the State in order to ascertain whether the above provisions are being complied with, and shall report any violations found to the Attorney General, County or District Attorney in the county where such alleged violation occurs. All glass ware and/or measuring device found not to be standard in capacity shall be seized and destroyed by the Commissioner of Agriculture or his authorized agent.

(Article 5736f) It shall be the duty of the District or County Attorney of any county in which the provisions of this Act may be violated to make due investigation and prosecute in the Court having jurisdiction of the offense all persons guilty of such violations, and if necessary to file suits to enjoin further violations of this Act.

The fact that there are now no adequate provisions of law regulating the testing of cream, milk and butter fat by purchasers and manufacturers in this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring a bill to be read on three several days be and the same is hereby suspended, and that this Act be in force from and after July 1, 1931, and it is so enacted.

SIXTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
May 4, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.

Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.

Absent—Excused.

Hardin.

Prayer by Rev. Virgil Fisher, pastor.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix).

Committee Reports.

(See Appendix).

Bills and Resolution.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Rawlings:

S. B. No. 617, A bill to be entitled "An Act to amend Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, by adding thereto an Article to be Article 1180A, making certain and establishing the right of cities operating under the provisions of said Chapter 13, which may have a population exceeding 150,000 people according to the last or any succeeding Federal Census, to provide improvements and works to control any harmful excess of water by any mechanical means, also to cooperate with other governmental agencies of the State for like purpose and giving such other governmental agencies the power to cooperate with such cities to accomplish control of harmful excess of water; providing for contract between cities and such other governmental agencies for such purpose; and prescribing that money required for such purpose may be provided by any such city and/or other governmental

agency in any manner lawful under the Constitution of Texas and not prohibited by the Charter and/or statutory act under which any such city or other contracting body politic may have its being; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Purl:

S. B. No. 618, A bill to be entitled "An Act to amend Article 1641 by adding thereto another section, to be known as Article 1641-A, providing for the making of audits of counties of a certain population by Grand Juries and the State Auditor; providing generally the means and manner thereof; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senators Excused.

On motion of Senator Russek, Senator Hardin was excused for the day on account of important business.

S. C. R. No. 45.

Senator Holbrook sent up the following resolution:

Senate Concurrent Resolution.

Whereas, the State Bar Association perfected plans at its last annual meeting in San Antonio to build a monument to the memory of the first three judges of the Supreme Court of Texas, upon the State Capitol grounds;

And Whereas, said Association is now engaged in collecting from its members the funds with which to build the monument and have executed the plans, desire to let the contract, and are almost ready to begin work;

And Whereas, this monument will be a thing of beauty and will adequately memorialize the first three members of the Supreme Court, and will be an inspiration to this and future generations; it will express in a substantial way the gratitude of the Bar of this day in Texas to those members of the profession who immortalized the pages of our early history;

Now Therefore, be it resolved by the Senate of Texas, House of Representatives concurring, that permis-

sion be granted to the State Bar Association, through its duly authorized agents, to construct said monument at some place upon the Capitol grounds in Austin, said location to be agreed upon by the representatives of the Bar Association and the State Board of Control.

HOLBROOK.

Read and adopted.

House Bill No. 335.

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 335, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended at the Second Called Session thereof, so as to further regulate motor carriers transporting property over the public highways, etc., and declaring an emergency."

Read third time.

Senator Woodul sent up the following amendment:

Amend House Bill No. 335 by striking out sub-sections 16 (d), 16 (e), and 16 (f), of Section 14 of Printed Bill, beginning on page 8, as amended, and substituting in lieu thereof the following:

"(d) The Commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle, setting out the certificate or permit number and the route or territory over which the vehicle is authorized to operate, giving the name and address of the owner of said certificate or permit. It shall be unlawful for the owner of said certificate or permit, his agent, servant or employee, or any other person to use or display said identification card after said certificate or permit has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the Railroad Commission.

"(e) It shall be unlawful for any owner of a certificate or permit, his agent, servant, or employee, to display upon any motor vehicle the certificate or permit number, or other insignia of authority from the Railroad Commission after said certificate or permit has expired, or has been cancelled.

"(f) It shall be unlawful for any

motor carrier (common or contract), or the owner of a certificate or permit, or his agent, servant, or employee, directly or indirectly, to offer, permit, or give to any person, directly or indirectly, any commission or other consideration to induce such person to deliver to such motor carrier or certificate or permit owner, property to be transported; and it likewise shall be unlawful for any shipper or consignee or his agent, servant, or employee, to receive from such motor carrier, directly or indirectly, any such commission or consideration as an inducement to secure the transportation of any such property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not to exceed Two Hundred Dollars (\$200.00), and each such transaction shall constitute a separate offense."

WOODUL.

Read and adopted unanimously.

Amendment to House Bill No. 335.

Amend House Bill No. 335 by striking out sub-section (c), page 9, as amended, and inserting in lieu thereof the following:

"Any authorized inspector for the Commission shall have the power and authority to make arrests for any violations of this Act and all highway laws of this State; and it shall be the duty of all judges, prosecuting attorneys, and peace officers of the counties and municipalities of this State to assist in the enforcement of this Act."

RAWLINGS.

Read and adopted unanimously.

Amend H. B. No. 335, Advance Printing copy, page 8, line 15, by striking out after the word "bonds" the words "based on claims for personal injury or property damages" and inserting in lieu thereof the following:

"based on claims for loss or damages from personal injury or loss of, or injury to, property."

WOODUL.

Read and adopted unanimously.

Amend H. B. No. 335, page 8, line 24, by inserting after the word "permit" in said line the words "or certificate," and amend the caption to conform to the bill as amended.

WOODUL.

Read and adopted unanimously.
The bill was finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodul.
Neal.	Woodward.

Nays—2.

Cunningham.	Williamson.
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Absent.

Oneal.	Woodruff.
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Absent—Excused.

Hardin.

Notice of Intent.

Senator Woodul gave notice that tomorrow he would call up the motion spread on the Journal to print H. B. No. 770 on minority report.

Senate Bill No. 31.

The Chair laid before the Senate as special order the following bill:

By Senator Williamson:

S. B. No. 31, A bill to be entitled "An Act to amend Section sixteen, Senate Bill Eleven, Chapter Forty-two, General Laws of the Second Called Session of the Thirty-first Legislature."

Read second time.

The committee amendment was adopted.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 31, page one line 20, by substituting the figure 120 for the figures 200 in said line.

BERKELEY.

Read and lost by the following vote:

Yeas—11.

Berkeley.	Parr.
Cunningham.	Patton.
DeBerry.	Poage.
Hornsby.	Small.
Loy.	Thomason.
Moore.	

Nays—11.

Cousins.	Purl.
Greer.	Russek.
Holbrook.	Stevenson.
Hopkins.	Williamson.
Neal.	Woodruff.
Oneal.	

Absent.

Beck.	Pollard.
Gainer.	Rawlings.
Martin.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Hardin.

Senator Purl sent up the following substitute:

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of better enabling the Governor to perform his constitutional duty to cause the laws to be faithfully executed, there is created a State Department of Law Enforcement, which shall have supervision and control, under the direction of the Governor, of the Texas Rangers. The executive and administrative head of said department shall be a Superintendent of the Texas Rangers, to be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years, who shall receive an annual salary of \$5,000.00, and shall be removable by the Governor after charges have been preferred and a hearing granted. The Superintendent shall before entering upon the duties of his office, file in the office of the Secretary of State a bond to the State of Texas, in such penal sum, and with such surety or sureties as shall be approved by the Governor, conditioned on the faithful performance of his duty. Suitable officers for the State Department of Law Enforcement shall be provided in Austin by the Board of Control.

Sec. 2. The Superintendent, who shall have the rank of Colonel of the Rangers, may appoint a Deputy-Superintendent, who shall have the rank of Lieutenant-Colonel of the Rangers, at an annual salary of \$3600.00 per annum, and such employees as may be necessary within the appropriations made by the Legislature from time to time.

Sec. 3. The Texas Rangers shall

consist of five companies, each composed of one Captain at a monthly salary of \$225.00; two Lieutenants at a monthly salary of \$185.00 each; one sergeant at a monthly salary of \$175.00; two corporals at a monthly salary of \$160 each and fourteen privates at a monthly salary of \$150.00 each. Such officers and privates shall receive in addition to their regular salary an increase of 5% after they have been or shall be in the ranger service continuously for two years, and 5% for each additional year not to exceed in all 20% of their salary as herein provided. The officers and privates of the Texas Rangers shall be appointed by the Superintendent, with the approval of the Governor, and may be removed by him after a hearing. No person shall be appointed to the Texas Rangers unless he shall be a citizen of the United States between the ages of 21 and 50 years, able to ride, of sound constitution and good moral character, nor until he shall have passed a physical and mental examination based upon standards provided by the rules and regulations of the State Department of Law Enforcement, prescribed by the Superintendent and approved by the Governor. Appointment and re-appointment to the Texas Rangers shall be for a term of two years; and voluntary withdrawal from the force during such term of appointment or re-appointment without consent of the Superintendent shall be a misdemeanor. Re-appointment shall be made by the Superintendent in his discretion, with the approval of the Governor, but no member removed from the force shall be eligible to re-appointment. The Superintendent shall make rules and regulations, subject to approval by the Governor, for the discipline and control of the Texas Rangers, and for the examination and qualifications of applicants for appointments thereto; and the Superintendent shall provide the Texas Rangers, within the amount of appropriations therefor, with horses, vehicles, and such suitable equipment and supplies, as shall be provided for by the rules and regulations, all of which shall remain the property of the State; and the Superintendent shall have the power to sell the same when it shall become unfit for use, and all moneys received therefor

he shall pay into the State Treasury.

Sec. 4: The Superintendent shall from time to time establish headquarters or sub-stations for the Texas Rangers in such localities as he shall deem most suitable for the efficient performance of their duties in any portion of the State, and for that purpose, he may with the approval of the Governor, acquire the use of lands and buildings for the accommodation of the members of the force and their equipment.

Sec. 5. It shall be the duty of the Texas Rangers to prevent and detect crime and apprehend criminals. They shall also be subject to the call of the Governor and are empowered to co-operate with any other department of the State or with local authorities. The officers and privates of the Texas Rangers shall be clothed with all the powers of peace officers. They shall have power to arrest without warrant anyone committing or attempting to commit within their presence or view a breach of the peace or other violation of law, to serve and execute warrants of arrest or search issued by proper authorities, and to exercise all other powers of peace officers of the State of Texas; and in such cases they shall be governed by the laws regulating and defining the powers and duties of Sheriffs when in discharge of similar duties, except that they shall have the power and shall be authorized to make arrests and to execute all process in criminal cases in any county in the State. But they shall not exercise their powers within the limits of any city to suppress rioting or disorder except by direction of the Governor or upon the request of the Mayor of the city with the approval of the Governor.

All such officers and privates shall before entering upon a discharge of their duties, take and subscribe to an oath that each of them will faithfully perform his duty in accordance with the law.

To arrest and bring to justice men who have banded together to prevent the execution of the laws or to commit robbery or other felonies, the officers or privates of the Texas Rangers may accept the services of such citizens as may volunteer to aid them; but while so engaged such citizens shall not receive pay from the State for such services.

All officers and privates of the Texas Rangers shall have all the power and authority conferred by law upon any officers of this State to enforce the laws relating to the protection and conservation of fish and game; and also the laws regulating vehicular traffic on the highways of this State.

Sec. 1. It shall be one of the duties of the State Department of Law Enforcement, and of the State Rangers, to enforce all the laws of this State governing the sale of beverages, whether intoxicating or non-intoxicating.

After this Act shall take effect, it shall be unlawful for any person or firm or corporation to engage in the business of a wholesale dealer in non-intoxicating beverages in this State without first obtaining a license from the Comptroller of Public Accounts, authorizing and permitting such sale. The term "non-intoxicating beverage" for the purposes of this Act, shall include any beverages or drink other than an intoxicating beverage as defined by law, and all fruit syrups and concentrates and other soft drink syrups and concentrates and liquid carbonic gas sold to retailers. A wholesale dealer is one who sells any non-intoxicating beverage defined, in any quantity whatsoever in intra-State commerce, to a retailer to be sold to the consumer in any quantity whatsoever. Such licenses for wholesale dealers in non-intoxicating beverages shall be issued by the Comptroller quarterly, on or before the 10th day of January, the 10th day of April, the 10th day of July and the 10th day of October of each year, and shall not be issued unless and until the applicant therefor shall submit proper evidence that the beverage to be sold may be lawfully sold in this State.

Sec. 7. As a part of the compensation paid to all officers and privates of the Texas Rangers it shall be included as a condition of the contract of enlistment with the State that the following benefits shall be paid by the State on account of death or disability of a member of the Texas Rangers.

(1) To the widow until she be married again, or the dependent children or the dependent mother of any officer or private whose death shall hereafter be caused by injury or disease contracted in the perform-

ance of duty there shall be paid monthly as long as such dependencies continue, upon the certification of a Board consisting of the Superintendent of Texas Rangers, the Attorney General and the State Comptroller, one-half, ($\frac{1}{2}$) the salary received by him at the time of his death.

(2) To every officer or private in the Texas Rangers who shall hereafter become physically or mentally unable to perform his regular duties in a manner satisfactory to the Superintendent of the Texas Rangers, there shall be paid during the period of such disability an amount of not less than one-third nor more than one-half ($\frac{1}{2}$) of his salary, such amount to be determined by a Board consisting of the Superintendent of the Texas Rangers, the Attorney General and the State Comptroller.

Articles 6560 to 6573 inclusive of Title 113 of the Revised Civil Statutes of 1925 be and the same are hereby repealed, provided, however, that it is intended by this Act, to protect and preserve and continue in force all rights of members of the present Ranger force arising under said Articles so repealed.

Sec. 8. For the purpose of enabling the Governor to perform his constitutional duty to cause the laws to be faithfully executed, and to assist the local authorities charged with the power and duty of enforcing the law, the Governor may, upon the request of such local authorities charged with the duty of enforcing the laws, or of the Superintendent of the Texas Rangers, or of his own motion, appoint such number of special Assistant District Attorneys as he may deem best, and may assign any such Special Assistant District Attorney to service in such county or district as he may deem expedient. Such special Assistant District Attorney may or may not be a qualified resident Attorney of the County or district to which he may be so assigned by the Governor.

There shall not be more than twelve (12) such special Assistant District Attorneys appointed at any one time, and their appointments shall be, respectively, for such time as the Governor shall deem best, in the enforcement of the law, not to be less than one month, and each of them shall give the bond and take the oath of office required of Dis-

strict Attorneys by the laws of this State and shall file the same with the Secretary of the State before entering upon the performance of his duties.

Such special District Attorneys so appointed by the Governor and qualified, and assigned to duty by the Governor, shall have the power and authority to perform all the acts and duties of District Attorney under the law of this State.

Any and all such special Assistant District Attorneys so appointed by the Governor shall be paid for the time of actual service rendered at the rate of \$400.00 per month and their necessary traveling expenses by the Comptroller of the State of Texas, said amounts to be paid in monthly payments, upon certificate of the Governor that such service has been rendered; and the Governor shall have full power and authority, at any time he deems the services of such special Assistant District Attorney unnecessary, or that he is not attending to his duty as required by law, to remove him from office by merely advising, by letter, the official so removed, and also the District Attorney and District Judge of the District to which he has been assigned for service.

Sec. 9. The fact that there is now no adequate law of this State affording the Governor the necessary facilities with which to perform his constitutional duty, under his oath of office of seeing that the laws are faithfully executed, creates an emergency and an imperative public necessity, warranting the suspension of the Constitutional Rule requiring bills to be read on three several days and that this bill shall take effect and be in force from and after its passage, and it is so enacted.

PURL.

The substitute was read.

Senator Williamson raised the point of order that the substitute was not germane.

The Chair, Senator Moore, sustained the point of order.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 31, page one; line 20, by substituting the figures 125 for the figures 200 in said line.

BERKELEY.

The amendment was read.

Senator Williamson sent up the following amendment to the amendment:

Amend the Berkeley amendment by changing the figures from 125 to 150.

WILLIAMSON.

The amendment was read.

Senator Purl moved to table the amendment to the amendment. The motion was lost by the following vote:

Yeas—10.

Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Moore.	Small.
Parr.	Thomason.

Nays 11.

Cousins.	Oneal.
Greer.	Rawlings.
Holbrook.	Russek.
Hornsby.	Stevenson.
Loy.	Williamson.
Neal.	

Absent.

Beck.	Pollard.
Gainer.	Woodruff.
Hopkins.	Woodul.
Martin.	Woodward.
Parrish.	

Absent—Excused.

Hardin.

The amendment to the amendment was adopted by the following vote:

Yeas—15.

Cousins.	Oneal.
Cunningham.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Neal.	

Nays—7.

Berkeley.	Patton.
DeBerry.	Poage.
Moore.	Thomason.
Parr.	

Absent.

Beck.	Pollard.
Gainer.	Woodruff.
Greer.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Hardin.

The amendment as amended was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 31 by adding a new Section to read as follows:

"Sec. 16a-1. Each and every employee regardless of designation of name as mentioned in this Act shall be required to take a special oath, swearing that so long as he is connected with Highway Department he will not take any part in promoting the candidacy of any candidate for public office, by contributing his time, influence; or contribute any money or valuable thing, but nothing shall be construed of denying any citizen the right to cast his individual vote for candidates for public office."

PURL.

Read and adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 31, page 1, line 21, by striking out everything beginning with the words "The personnel" through line 22 to and including the word "each" in line 30 and insert in lieu thereof the following: "The personnel shall consist of one Chief at a salary of \$3,600.00 per year, and one secretary at a salary of not more than \$2,100.00; three stenographers at a combined salary of not more than \$4,500.00 per year, and 145 privates at a salary of not more than \$1,800.00 per year, each."

POAGE.

The amendment was read.

Senator Purl received consent to send up for printing in the Journal the following amendment:

Amend S. B. 31 by adding a new Section 16a-2: "Any person guilty of violating the provisions of Section 16a-1, shall be discharged from employment by the State and shall not be eligible to hold office under this Act for a period of five years."

PURL.

On the motion of Senator Williamson the bill and amendments were laid on the table subject to call.

Simple Resolution No. 128.

Senator Cousins sent up the following resolution:

Resolved that Senators Parrs, Holbrook, Purl and Gainer be added to the Senate Committee on Civil Jurisprudence.

COUSINS,
CUNNINGHAM,
HOPKINS.

Read and adopted.

H. J. R. No. 26.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 26, Proposing an amendment to Article VI of the Constitution of the State of Texas by adopting a new section, which will provide that only qualified electors owning taxable property in the State, county, district, political subdivision, city, town or village where the election is held and which has been duly rendered for taxation shall be qualified to vote at elections held for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming debt therein.

Read second time.

Senator DeBerry sent up the following amendment:

Amend H. J. R. No. 26 by inserting after the word by in Sec. 3a, and insert the words "this State."

DeBERRY.

Read and adopted.

The resolution as amended passed to third reading by the following vote:

Yeas—17.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	

Nays—5.

DeBerry.	Rawlings.
Loy.	Russek.
Purl.	

Absent.

Beck.	Greer.
Gainer.	Oneal.

Parrish.
Pollard.

Woodul.
Woodward.

Absent—Excused.

Hardin.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 628.	H. B. No. 260.
H. B. No. 625.	H. B. No. 1014.
H. B. No. 48.	S. C. R. No. 43.
S. B. No. 275.	S. C. R. No. 42.
H. J. R. No. 5.	S. R. No. 129.
H. B. No. 735.	

Reason For Vote.

Austin, Texas, April 29, 1931.
Senator George C. Purl,
Senate Chamber,
Austin, Texas.

Dear Senator: Your letter of April twenty-fourth addressed to General Allred has been referred to me.

You request the advice of this department concerning the effect of House Joint Resolution No. 26 proposing an amendment to the Constitution on the rights of property owners and their wives or husbands to vote in bond elections. The amendment referred to reads as follows:

"Sec. 3-A. When an election is held by the State or any county, or any number of counties, or any political subdivision of the State, or any political subdivision of a county, or any defined district now or hereafter to be described and defined within the State and which may or may not include towns, villages, or municipal corporations, or any city, town or village, for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming any debt, only qualified electors who own taxable property in the State, county, political subdivision, district, city, town or village where such election is held, and who have duly rendered the same for taxation, shall be qualified to vote."

You are advised that it is my opinion that, if this proposed amendment to the Constitution is adopted, property owners who own property

but who have failed to render the same in the manner and at the required by law will not be entitled to vote at an election held for the purpose of issuing bonds or otherwise lending credit.

It is further my opinion that a married woman whose husband has duly rendered the community property will be entitled to vote at such an election.

Very truly yours,
ELBERT HOOPER,
Assistant Attorney General.

Senate Bill No. 240.

The Chair laid before the Senate as special order the following bill:

By Senator Russek:

S. B. No. 240, A bill to be entitled "An Act to amend Article 396, Revised Civil Statutes of Texas, 1925, by adding thereto Sub-divisions A and B requiring bank and trust companies to segregate assets held in a fiduciary capacity from the general assets of the bank, to keep a separate set of books and records showing in detail all transactions engaged in under Article 396, Revised Civil Statutes of Texas, 1925, providing that funds deposited or held in trust awaiting investment shall be carried in a separate account and not to be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the State Banking Board, and giving the owner of the funds held in trust for investment a lien on such bonds or securities in addition to their claim against the bank, etc."

Read second time.

Senator Russek received unanimous consent to add the emergency clause.

The bill was passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 240 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent.

Beck.

Absent—Excused.

Hardin.

Pollard.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.

Absent.

Pollard.	Woodul.
Woodruff.	Woodward.

Absent—Excused.

Hardin.

Senate Bill No. 327.

The Chair laid before the Senate as special order the following bill:

By Senator Russek:

S. B. No. 327, A bill to be entitled "An Act to amend Article 454, Chapter 7, Title 16, Revised Civil Statutes of Texas, 1925, providing that the Banking Commissioner of Texas may, upon order of the district court of the county in which the bank being liquidated is situated, if in session, or the judge thereof, if in vacation, sell or compound bad and doubtful debts and sell real or personal property, by adding thereto a provision authorizing him under like order of said district court, or the judge thereof, to sell or compound and compromise bad and doubtful stockholders' assessments, and to sell

stockholders' assessments, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 327, by striking out all reference to real property wherever it appears.

PURL.

The amendment was read.

Senator Russek moved to table the amendment. The motion prevailed by the following vote:

Yeas—11.

Berkeley.	Parr.
Cousins.	Patton.
Holbrook.	Russek.
Hornsby.	Stevenson.
Loy.	Williamson.
Neal.	

Nays—10.

DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Moore.	Small.
Oneal.	Woodruff.

Absent.

Beck.	Pollard.
Cunningham.	Thomason.
Hopkins.	Woodul.
Martin.	Woodward.
Parrish.	

Absent—Excused.

Hardin.

Senator Rawlings sent up the following amendment:

Amend S. B. No. 327 by adding to sec. 2 the following: "no such order shall be entered or sale made without notice and hearing."

RAWLINGS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 327 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Holbrook.

Hopkins.	Poage.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Patton.	

Absent.

Parrish.	Woodul.
Pollard.	Woodward.
Woodruff.	

Absent—Excused.

Hardin.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	

Absent.

Parrish.	Woodul.
Pollard.	Woodward.
Woodruff.	

Absent—Excused.

Hardin.

Senate Bill No. 245.

On motion of Senator Beck, S. B. No. 245 was laid on the table subject to call.

House Bill No. 536.

The Chair laid before the Senatet by unanimous consent the following bill:

By Mr. Hubbard:

H. B. No. 536, A bill to be entitled "An Act to repeal Article 7065, and to amend Articles 7065a, e and j, Section 17, Chapter 88, House bill No. 6, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 536 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.

Absent.

Pollard.	Woodul.
Woodruff.	Woodward.

Absent—Excused.

Hardin.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	

Absent.

Beck.	Woodul.
Pollard.	Woodward.
Woodruff.	

Absent—Excused.

Hardin.

Senate Bill No. 512.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 512, A bill to be entitled "An Act amending Article 199, Title

8, page 11, Revised Civil Statutes of the State of Texas, passed at the Regular Session of the Forty-first Legislature, 1929; providing for changing and prescribing times of holding Court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances and making them returnable to the terms of court in the several counties of said District as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith; and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 512 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	

Absent.

Beck.	Woodul.
Pollard.	Woodward.
Woodruff.	

Absent—Excused.

Hardin.

Read third time and finally passed by the following vote:

Yeas—26.

Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.
DeBerry.	Holbrook.

Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.
Oneal.
Parr.
Parrish.

Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.

Absent.

Beck.
Pollard.
Woodruff.

Woodul.
Woodward.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 34, Granting consent to the Edward P. Wingate heirs to sue the State.

S. C. R. No. 42, In memory of the late A. M. McFadden a former member of the Texas Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 187.

On motion of Senator Woodruff, S. B. No. 187 was laid on the table subject to call.

Senate Bill No. 74.

The Chair laid before the Senate as special order the following bill:

By Senator Neal:

S. B. No. 74, A bill to be entitled "An Act to amend Article 2763, R. S. 1925 relating to supervision of independent districts of fewer than 500 scholastics; repealing all laws in conflict herewith and declaring an emergency."

Read second time.

Recess.

On motion of Senator Russek, the Senate, at 12 noon, recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to

order by Lieutenant Governor Edgar E. Witt.

S. C. R. No. 46.

Senator Neal sent up the following resolution:

Whereas, the Honorable Jouett Shouse and Honorable Nellie Tayloe Ross, of the National Democratic Executive Committee, have been invited by the Forty-second Legislature to address this body, and

Whereas, Mr. Shouse has accepted the invitation, and Mrs. Ross has declined, with much regret, and

Whereas, the hour set for the speaking of Mr. Shouse is 8 o'clock on the evening of May 12th,

Now, Therefore Be It Resolved, that the House and Senate meet in joint session on that evening for the purpose of hearing the address, and that the National Democratic Chairman and Chairwoman, Hon. J. J. Adams of Dallas and Hon. Clara Driscoll Sevier of Austin; the Chairman of the State Democratic Committee, Hon. W. O. Huggins, and all other Democrats of the State, be invited to be present, and to give a rousing democratic reception to this distinguished exponent of democratic principles and practices.

NEAL.

Read and adopted.

Simple Resolution No. 130.

Senator Woodul sent up the following resolution:

Be It Resolved that the House return H. B. No. 336 for further consideration.

WOODUL.

Read and adopted.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. S. R. No. 130, Requesting the return of H. B. No. 336 to the Senate for correction.

H. C. R. No. 56, Granting the Honorable Royall R. Watkins, Judge of the 95th Judicial District Court of Dallas County, Texas permission to be absent from the State of Texas.

Respectfully submitted,

LOUISE SNOW PHINEY,
Chief Clerk, House of Representatives.

Senate Bill No. 74.

The question recurred upon S. B. No. 74.

Senator Pollard sent up the following amendment:

Amend S. B. No. 74 by adding a new paragraph as follows:

"Provided that no authority is granted herein to the State Board of Education to annul or cancel any right to teach in the public schools as now authorized by law to any individual."

POLLARD.

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 74 by striking out "September 1, 1931," and inserting in lieu thereof the following: "September 1, 1932."

PURL.

The amendment was read.

Senator Neal moved to table the amendment. The motion prevailed.

The bill was passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 was put on its third reading and final passage by the following vote:

Yeas—20.

Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—5.

Cousins.	Patton.
Holbrook.	Rawlings.
Parr.	

Absent.

Beck.	Poage.
Greer.	Thomason.
Hopkins.	

Absent—Excused.

Hardin.

Read third time and finally passed by the following vote:

Yeas—17.

Berkeley.	Parrish.
Gainer.	Pollard.
Greer.	Small.
Hornsby.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—11.

Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Holbrook.	Russek.
Loy.	Thomason.
Patton.	

Absent.

Beck.	Hopkins.
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Absent—Excused.

Hardin.

Simple Resolution No. 131.

Senator Russek sent up the following resolution:

Whereas, The Hon. George E. Lenart of La Grange, Texas, a distinguished member of the Fayette County bar, and Chairman of the Democratic Executive Committee of Fayette County, is now within the bar of the Senate; be it

Resolved That he be accorded the courtesy of the floor and be invited to address the Senate.

RUSSEK,
HOLBROOK,
MARTIN.

Read and adopted.

Mr. Lenart Speaks.

The Chair appointed Senators Russek and Martin to escort Mr. Lenart to the platform.

The Chair introduced Senator Russek who introduced Mr. Lenart. Mr. Lenart briefly addressed the Senate.

Simple Resolution No. 132.

Senator Hornsby sent up the following resolution:

Whereas, Honorable Irvin S. Neale, Speaker, Representatives Proctor, Warfield and Hollensworth, members of the Arkansas Legislature, are now in the State Capitol; therefore, be it

Resolved, That these Honorable visitors and guests be accorded the

privilege of the floor and be invited to address the Senate.

HORNSBY,
SMALL.

Read and adopted.

Arkansas Legislators Speak.

The Chair appointed Senators Hornsby and Small to escort the visiting legislators to the platform.

The Chair introduced Senator Small who introduced Mr. Neale. Mr. Neale briefly addressed the Senate.

The Chair introduced Senator Hornsby who introduced Mr. Proctor who briefly addressed the Senate.

The Chair briefly expressed the appreciation of the Senate.

Senate Bill No. 187.

Senator Woodruff called up from the table the following bill:

By Senator Woodruff:

S. B. No. 187, A bill to be entitled "An Act defining unfair discrimination and prohibiting any person, firm, company, association or corporation engaged in the production, manufacture, sale or distribution of any commodity in general use in this State, from discriminating between different sections, communities, incorporated cities or towns of this State, for the purpose of destroying the business of a competitor in any locality, or for the purpose of fixing, maintaining, increasing or reducing the price of such commodity by selling or distributing such commodity, or permitting the sale or distribution of such commodity, at a different rate or price in one section, community, incorporated city or town than is charged or permitted to be charged, for said commodity by said party in another section, community, incorporated city or town, after making due allowance for the difference, if any, in the grade or quality, in the actual and necessary cost of transportation paid by the seller or distributor on said commodity and the reasonably necessary difference, if any, in the cost of marketing said commodity, etc., and declaring an emergency."

The committee report was adopted. Committee amendments were adopted.

Read second time.

Senator Cunningham sent up the following amendment:

Amend S. B. No. 187 by adding after the word "Commodity" wherever it appears in the bill the words "or Electricity."

CUNNINGHAM.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—13.

Berkeley.	Oneal.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Loy.	Rawlings.
Moore.	Woodruff.
Neal.	

Nays—9.

Cousins.	Purl.
Holbrook.	Russek.
Hornsby.	Small.
Parr.	Stevenson.
Patton.	

Absent.

Hopkins.	Williamson.
Martin.	Woodward.
Thomason.	

Absent—Excused.

Beck.	Hardin.
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(Pair Recorded.)

Senator Cunningham (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 187 was put on its third reading and final passage by the following vote:

Yeas—20.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Moore.	Williamson.
Neal.	Woodruff.

Nays—3.

Holbrook.	Stevenson.
Patton.	

Absent.

Hopkins.	Thomason.
Martin.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Beck.	Hardin.
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Read third time and finally passed.

Senate Bill No. 163.

Senator Small moved to take up the following bill:

By Senator Holbrook:

S. B. No. 163, A bill to be entitled "An Act to amend Section 23 of an Act authorizing the creation of corporations for the purpose of compiling and/or owning an abstract plant, approved February 27, 1929, and being Chapter 40, of the Acts of the Regular Session of the Forty-first Legislature, by substituting liability on directors instead of on stockholders, and declaring an emergency."

The motion was lost by the following vote:

Yeas—13.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Small.
Moore.	

Nays—3.

DeBerry.	Oneal.
Loy.	

Present—Not Voting.

Gainer.	Poage.
Martin.	Russek.
Patton.	

Absent.

Hopkins.	Woodruff.
Parrish.	Woodul.
Stevenson.	Woodward.
Williamson.	

Absent—Excused.

Beck.	Thomason.
Hardin.	

(14 yeas required.)

Senate Bill No. 322.

The Chair laid before the Senate as special order the following bill:

By Senator Russek:

S. B. No. 322, A bill to be entitled "An Act to amend Section 11, Chapter 61, Acts of the Second Called Session of the Legislature of the State of Texas, so as to provide for the payment of the expense of additional examination and prolonged audit and examination and reappraisal of real estate by the association."

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 322 by adding the emergency clause.

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 322 was put on its third reading and final passage by the following vote:

Yeas—23.

Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	

Nay—1.

Pollard.

Absent.

Parrish.	Woodul.
Woodruff.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—22.

Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Holbrook.	Parr.

Parrish.
Purl.
Rawlings.
Russek.

Small.
Stevenson.
Williamson.
Woodruff.

Absent.

Hopkins.
Patton.
Poage.
Pollard.

Thomason.
Woodul.
Woodward.

Absent—Excused.

Beck.

Hardin.

Senate Bill No. 328.

The Chair laid before the Senate as special order the following bill:

By Senator Russek:

S. B. No. 328, A bill to be entitled "An Act to amend Article 462, Chapter 7, Title 16, Revised Civil Statutes of the State of Texas, 1925, relating to expense of liquidation and the approval of expense account of the commissioner; providing for contest of commissioner's expense account and fixing burden of proof."

Read second time.

Senator Moore sent up the following amendment:

Amend S. No. 328 by adding the emergency clause.

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 328 was put on its third reading and final passage by the following vote.

Yeas—24.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Williamson.
Neal.	Woodruff.

Absent.

Hopkins.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed
by the following vote:

Yeas—23.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	

Absent.

Hopkins. Thomason.
Parrish. Woodul.
Patton. Woodward.

Absent—Excused.

Beck. Hardin.

Senate Bill No. 600.

On motion of Senator Parr, S. B.
No. 600 was laid on the table sub-
ject to call.

Senate Bill No. 33.

On motion of Senator Parr, S. B.
No. 33 was laid on the table, subject
to call.

Senate Bill No. 258.

Senator Pollard called up from
the table the following bill:

By Senator Pollard:

S. B. No. 258, A bill to be entitled
"An Act regulating child labor at
certain ages, fixing the hours and
time of work, and prescribing ages
for work at certain places, and for
certain kinds of work, according to
the dangers and environment; fixing
and limiting the hours of work per
day and per week; providing for
the issuance of permits for certain
children to be taken out of school,
and to work in certain places, and
for the displaying and renewal of
same; providing exceptions; pro-
viding for inspections of places
where child labor is used; prescrib-
ing the duties of the Bureau of
Labor Statistics; requiring reports,
records and providing generally for

the enforcement of the provisions
thereof; prescribing offenses, fines
and penalties and punishments, and
declaring an emergency."

The pending amendment was with-
drawn.

Senator Pollard sent up the fol-
lowing amendments:

Amend C. S. S. B. No. 258 by
striking out the last sentence in
Section 10.

POLLARD.

Read and adopted.

Amend C. S. S. B. No. 258 by
striking out Section 4.

POLLARD.

Read and adopted.

The Committee substitute as
amended was adopted.

The bill was passed to engross-
ment.

On motion of Senator Pollard the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. 258 was put on
its third reading and final passage,
by the following vote:

Yeas—24.

Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.

Absent.

Parrish. Woodul.
Patton. Woodward.
Thomason.

Absent—Excused.

Beck. Hardin.

Read third time and finally passed
by the follownig vote:

Yeas—17.

Berkeley.	Moore.
Cousins.	Neal.
Holbrook.	Oneal.
Hornsby.	Parr.
Loy.	Patton.
Martin.	Poage.

Pollard.
Purl.
Small.

Woodul.
Woodward.

Nays—1.

DeBerry.

Present—Not Voting.

Rawlings. Stevenson.
Russek. Williamson.

Absent.

Cunningham. Hopkins.
Gainer. Parrish.
Greer. Woodruff.

Absent—Excused.

Beck. Thomason.
Hardin.

Simple Resolution No. 133.

Senator Woodward sent up the following resolution:

Whereas, Mrs. H. L. Bentley, the mother of Hon. Max Bentley, managing editor of the Abilene Reporter and the Abilene News, is a visitor in the city of Austin and now within the bar of the Senate; and,

Whereas, Mrs. Bentley is one of Texas' pioneer women whose father was Gen. Tom Green, numbered among the heroic leaders of the Confederacy and for whom the County Tom Green, Texas, was named, her grandfather being the Hon. John Chalmers, Secretary of the Treasury of the Republic of Texas during the administration of President Lamar; and

Whereas, Mrs. Bentley is the descendant of those who accompanied colonists from North Carolina to Texas in 1835 and as such she is recognized as a true daughter of Texas.

Therefore Be It Resolved, that Mrs. Bentley be escorted to the chair and be introduced to the Senate of Texas.

WOODWARD.

Read and adopted.

Mrs. Bentley Introduced.

The Chair appointed Senators Woodward and Cunningham to escort Mrs. Bentley to the platform.

The Chair introduced Senator Woodward who introduced Mrs. Bentley.

The Chair introduced Mr. Max Bentley.

House Bill No. 402.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 402, A bill to be entitled "An Act to authorize the payment of the apportionment of the State and county available school fund, and additional tuition if necessary, to public schools in Louisiana, Arkansas, Oklahoma and New Mexico for the benefit of children on the border of such States; repealing all laws in conflict herewith, and declaring an emergency.

Read second time.

Senator Loy sent up the following amendment:

Amend H. B. No. 402 in line 46 of printed bill by inserting after the word suspended, where same appears the second time, and before the word "and", the following:

"And this Act shall be in force and effect from and after its passage."

LOY.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. 402 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Hopkins. Patton.
Parrish. Woodruff.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed by the following vote:

Yeas—26.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Parrish.	Patton.
Absent—Excused.	
Beck.	Thomason.
Hardin.	

Senate Bill No. 589.

The Chair laid before the Senate on its third reading the following bill:

By Senator Parr:

S. B. No. 589, A bill to be entitled "An Act providing that the Legislature shall make appropriations for the compensation of the members of the Board of Water Engineers and fix such compensation, and repealing Article 7482 of the Revised Civil Statutes, 1925; amending Article 7485 of the Revised Civil Statutes so as to provide for the fixing of the compensation of the Secretary of said board; and declaring an emergency."

Read third time.

Senator Purl sent up the following amendment:

Amend S. B. No. 589 by adding after Section 3 the following:

Chapter 9, General and Special Laws of the Forty-first Legislature is hereby amended by adding thereto as Section 7a the following:

Section 7a. It is further provided that the provisions of Section 7, relating to salary of assistant or assistants, shall not apply to First Assistant and Assistant in charge of Oil Royalty Audits, but the qualifications and salaries of the assistants herein designated shall be governed by the provisions of this Section. The State Auditor may appoint, by and with the approval of the Governor, a First Assistant State Auditor and an Assistant in charge of Oil Royalty Audits, each shall be

paid not to exceed Five Thousand Dollars per annum, and each of such assistants shall have had at least four years experience as a Certified Public Accountant immediately preceding his appointment.

Amend Caption to conform to changes in the body of the bill.

Amend Emergency clause to conform to changes in the body of the bill.

PURL.

Read and lost by the following vote:

Yeas—6.

Cousins.	Neal.
Gainer.	Parr.
Loy.	Purl.

Nays—17.

Berkeley.	Poage.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Oneal.	

Absent.

Greer.	Russek.
Parrish.	Williamson.
Patton.	

Absent—Excused.

Beck.	Thomason.
Hardin.	

The bill was finally passed by the following vote:

Yeas—13.

Berkeley.	Patton.
Cousins.	Purl.
Gainer.	Stevenson.
Hopkins.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	

Nays—12.

Cunningham.	Oneal.
DeBerry.	Poage.
Holbrook.	Pollard.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	Woodward.

Absent.

Greer.	Russek.
Parrish.	

Absent—Excused.

Beck.
Hardin.

Thomason.

House Bill No. 932.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 932, A bill to be entitled "An Act authorizing the county boards of certain counties to set aside an amount not to exceed \$600 superintendent and the county board to defray the expenses of the county of trustees in the administration of scholastic affairs, repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted, passed to third reading.

The bill was read second time and passed to third reading.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 932 was put on its third reading and final passage by the following vote:

Yeas—27.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed by the following vote:

Yeas—27.

Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Holbrook.	Oneal.

Parr.	Small.
Patton.	Stevenson.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Russek.	

Absent.

Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.**Senate Bill No. 348.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 348, A bill to be entitled "An Act to amend Article 7272, of Chapter 8, Title 122, of the Revised Civil Statutes of 1925, relating to liability of property for taxes so as to provide that a person may pay on a part of the property assessed without being required to pay on all of the property assessed; repealing all laws and parts of laws in conflict, herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 348 was put on its third reading and final passage by the following vote:

Yeas—26.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Martin.

Absent.

Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed
by the following vote:

Yeas—18.

Berkeley. Oneal.
Cousins. Parr.
Cunningham. Patton.
DeBerry. Poage.
Holbrook. Pollard.
Hornsby. Purl.
Loy. Small.
Moore. Stevenson.
Neal. Woodul.

Nays—2.

Martin. Woodruff.

Present—Not Voting.

Rawlings.

Absent.

Gainer. Russek.
Greer. Williamson.
Hopkins. Woodward.
Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.

House Bill No. 98.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Mr. Warwick:

H. B. No. 98, A bill to be entitled
"An Act to amend Article 2806, Re-
vise Civil Statutes, 1925, and de-
claring an emergency."

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Holbrook
the constitutional bill requiring bills
to be read on three several days was
suspended and H. B. No. 98 was put
on its third reading and final pas-
sage by the following vote:

Yeas—27.

Berkeley. Hopkins.
Cousins. Hornsby.
Cunningham. Loy.
DeBerry. Martin.
Gainer. Moore.
Greer. Neal.
Holbrook. Oneal.

Parr. Small.
Patton. Stevenson.
Poage. Williamson.
Pollard. Woodruff.
Purl. Woodul.
Rawlings. Woodward.
Russek.

Absent.

Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed
by the following vote:

Yeas—27.

Berkeley. Parr.
Cousins. Patton.
Cunningham. Poage.
DeBerry. Pollard.
Gainer. Purl.
Greer. Rawlings.
Holbrook. Russek.
Hopkins. Small.
Hornsby. Stevenson.
Loy. Williamson.
Martin. Woodruff.
Moore. Woodul.
Neal. Woodward.
Oneal.

Absent.

Parrish.

Absent—Excused.

Beck. Thomason.
Hardin.

Senate Bill No. 5.

The Chair laid before the Senate
on its second reading the following
bill:

Senator Hornsby:

S. B. No. 5, A bill to be entitled
"An Act to amend Chapter 8, being
Senate Bill No. 57, General Laws,
Fourth Called Session, Forty-first
Legislature, and Chapter Ten of Title
122 of the Revised Civil Statutes of
Texas of 1925 by adding thereto
another article to be known as Arti-
cle 7335-A, limiting the powers of
Commissioners Courts in making
contracts in connection with the col-
lection of delinquent taxes; limiting
the compensation that can be paid
under contracts; and declaring an
emergency."

The bill was read second time and
passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Parrish.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—27.

Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Parrish.

Absent—Excused.

Beck.	Thomason.
Hardin.	

House Bill No. 99.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 991. A bill to be entitled "An Act to amend Article 137 of the Revised Civil Statutes of 1925, and legalizing and validating certain notices heretofore given, and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 991 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Read third time and finally passed.

Motion To Reconsider.

On motion of Senator Oneal, the vote by which the Senate refused to take up S. B. No. 163 today was reconsidered.

The committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 163 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck. Thomason.
Hardin.

Read third time and finally passed
passed by the following vote:

Yeas—27.

Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays 1.

DeBerry.

Absent—Excused.

Beck. Thomason.
Hardin.

Senate Bill No. 220.

The Chair laid before the Senate
on its second reading the following
bill:

S. B. No. 220, A bill to be entitled
"An Act creating the office of crim-
inal district attorney in those coun-
ties which constitute at least one
and not more than two separate judi-
cial districts within themselves in
which there is not now a district
attorney; providing that the present
county attorney in those counties,
who performs the duties of county
and district attorney, shall qualify
as criminal district attorney, remain
in office and take the oath and give
the bond required of district attor-
neys by the Constitution and laws
of Texas, organize their forces and
continue the work as criminal dis-
trict attorneys until their successors
are elected and qualified; providing
for the election of a criminal district
attorney at the next general election;
providing for the qualifications and
oath of said criminal district attor-
ney; and providing that such offi-
cers shall be commissioned by the
Governor; providing that county at-
torneys affected by this Act shall
hereafter be known as criminal dis-
trict attorneys; etc., and declaring
an emergency."

Read second time.

Senator Martin sent up the fol-
lowing amendment:

Amend S. B. No. 220, page 4, line
22, by adding the following:

"The Criminal District Attorney
may also receive such ex-officio
salary, to be paid out of any avail-
able funds of the County, as may be
fixed by the County Commissioners'
Court, such ex-officio salary to be
accountable as fees of office."

MARTIN.

The amendment was read.

Senate Bill No. 387.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Senator Woodul:

S. B. No. 387, A bill to be entitled
"An Act amending Article 6869 by
adding thereto another Section to be
known as Articles 6869-A, author-
izing the sheriff, with the consent of
the Commissioners' Court, to em-
ploy not to exceed three (3) deputies
in Counties of three hundred forty
thousand (340,000) population or
over, according to the 1930 Federal
Census for the purpose of enforcing
the Dean Law, and other Prohibition
laws; prescribing the means and
manner thereof; fixing the compen-
sation and manner of payment; and
declaring an emergency."

Read second time.

Senator Woodul sent up the fol-
lowing amendment:

Amendment No. 1.

Amend S. B. No. 387 by striking
out all above the enacting clause and
by substituting in lieu thereof the
following:

By Woodul.

S. B. No. 387.

A BILL

To Be Entitled

An Act amending Article 6869 by
adding thereto another Section to
be known as Article 6869-A, au-
thorizing the Sheriff, with the con-
sent of the Commissioners' Court,
to employ not to exceed three (3)
additional deputies in counties of
three hundred forty thousand
(340,000) population or over, ac-
cording to the last Federal Census,
for the purpose of enforcing the
law; prescribing the means and
manner thereof; fixing the com-

pensation and manner of payment;
and declaring an emergency.

WOODUL.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 387 by striking out all below the enacting clause and by substituting in lieu thereof the following:

"Section 1. That Article 6869 be amended by adding thereto another Section to be known as Article 6869-A, which shall read as follows:

'Article 6869-A. May Appoint Additional Deputies.—The Sheriff in any county in this State may employ not to exceed three (3) additional deputies in excess of those now authorized by law, for the purpose of enforcing the law in counties with a population of three hundred forty thousand (340,000) or over, according to the last Federal Census; the compensation of such deputies shall be fixed by the Commissioners' Court of said County, and the same shall be paid out of the general fund of said county.'

"Sec. 2. The fact that in larger counties, there are many flagrant violations of the various laws and by virtue of the limited number of deputies of the sheriffs in such counties, said laws cannot be enforced properly, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

WOODUL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 387 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Rawlings.
Oneal.	Russek.
Parr.	Small.
Parrish.	Stevenson.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Read third time and finally passed by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Simple Resolution 129.

Senator Poage sent up the following resolution:

Whereas, the Senate of Texas has learned with deep regret that Dr. S. P. Brooks is seriously ill, and

Whereas, Dr. Brooks has rendered an outstanding service to this State as the head of its oldest University for more than a quarter of a century, and

Whereas, he has been an outstanding leader not only in the educational world but also in the social, moral, religious, and political activities of our people during a long and active public career, and

Whereas, Dr. Brooks is a native son of Texas and he has served his State and the people well and faithfully and is still rendering a unique and outstanding contribution to the betterment of Texas, and

Whereas throughout his active and extensive public services, no one has ever denied his sincerity of effort, nobility of purpose, or honesty of judgement,

Now, therefore, Be It Resolved by the Senate of Texas that we join with the people of Texas in expressing our concern for the condition of this great leader and our hope for his speedy and complete recovery, and

Be It Further Resolved that the Senate of Texas hereby express its appreciation of his great work in behalf of the people of Texas and that the Secretary of the Senate be and is hereby instructed to forward a copy of this Resolution to Dr. Brooks.

Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Holbrook, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Patton, Pollard, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodruff, Woodul, Woodward, Poage, Purl.

Read and adopted unanimously by a rising vote.

House Bill No. 796.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 796, A bill to be entitled "An Act to amend Article 3902 of the Revised Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 92, page 225, providing for the appointment and compensation of first assistants, heads of departments, other assistants, stenographers, clerks and investigators, in the office of the county attorney, in any county having a population of more than 130,000 and less than 150,000 inhabitants, as shown by the latest United States census and containing two cities of 50,000 or more population, each, as shown by said census, said county composing two or more judicial districts, and having no district attorney, by adding Section 3902-e; repealing all laws and parts of laws in conflict with the amendment herewith provided for, and declaring an emergency."

Read second time.

Senator Cousins sent up the following amendment:

Amendment No. 1.

Amend H. B. No. 796 on Page 2 by striking out all Paragraph 5 of Section 1, and inserting in lieu thereof the following:

"The compensation herein provided for and the amounts thereof shall be fixed by the Commissioners' Court of such County, not in any event to exceed said maximum amounts, upon the application of the County Attorney of such County, which said application shall show the necessity therefor, and the said assistants or heads of departments shall not be required to have rendered official service in such County nor to have been the head of a department therein. Said compensation when fixed and allowed by order of the Commissioners' Court of such County, shall be paid in monthly installments as follows:

The first assistant shall be paid in monthly installments by said County, by warrant drawn upon the general fund thereof.

The heads of departments, or second assistants, and other assistants, shall be paid in monthly installments out of the fees of the office of County Attorney of such county, and the County shall in no case be liable for the payment of such compensation of the said heads of departments or second assistants, and other assistants hereinabove provided for."

COUSINS.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 796 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Read third time and finally passed
by the following vote:

Yeas—28.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Thomason.
Hardin.	

Motion to Reconsider.

Senator Woodward moved to reconsider the vote by which S. R. No. 128 was adopted this morning.

Adjournment.

Senator Hornsby moved to recess until 9:30 o'clock tomorrow morning.

Senator Woodward moved to adjourn until 10 o'clock tomorrow morning. The motion prevailed and at 6:21 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

Edgar E. Witt, Lieutenant Governor.
John W. Lynch, Private Secretary.
Hazel W. Avery, Assistant Secretary.

LIEUTENANT GOVERNOR'S OFFICE

Austin, Texas, May 4, 1931.
To the members of the State Senate:
We wish you to know that we deeply appreciate your many acts of thoughtfulness tendered us in our recent bereavement. We shall always hold each of you in grateful remembrance.

Sincerely,

MR. and MRS. EDGAR E. WITT.

1931 MAY 4 AM 9 58
D22 23XU—WASHINGTON DC 4
104 6A

HON BOB BARKER—

SECRETARY OF THE SENATE
AUSTIN TEXAS—THIS CONFIRMS
DATE FOR MAY TWELFTH AT
AUSTIN TO ADDRESS LEGISLA-
TURE STOP PLEASE ADVISE
HOUR AT WHICH IT IS DESIRED
THAT I SPEAK—

JOUETT SHOUSE.

1931 MAY 4 AM 10 43
D32 47 DL— WASHINGTON DC
4 1100A

HON BOB BARKER SECRETARY—
STATE SENATE AUSTIN TEX—
I ACKNOWLEDGE WITH THANKS
YOUR TELEGRAM OF APRIL
TWENTY NINTH PLEASE SAY TO
THE TEXAS LEGISLATURE THAT
I REGRET INEXPRESSIBLY THAT
I MUST FOREGO THE PLEASURE
OF PARTICIPATING IN ITS PRO-
GRAM ON MAY TWELFTH BUT
REJOICE IN THE DEVELOPMENT
THAT ENABLES MR SHOUSE TO
ACCEPT ITS INVITATION—

NELLIE TAYLOE ROSS.

REMARKS MADE ON APRIL 28 BY
SENATOR BERKELEY CON-
CERNING ERRONEOUS PRESS
DISPATCH IN DALLAS NEWS.

On yesterday I very briefly brought to the attention of the Senate the importance of this body seriously addressing itself to the matter of concluding its labor promptly at the expiration of the one hundred twenty day period, setting out in detail many good and sufficient reasons why this should be accomplished. I have not changed my mind with reference to this matter and believe if the Senate will do a certain amount of work at night and on Saturdays, we can finish up on time. A press dispatch in the Dallas Morning News this morning states that in speaking on a point of personal privilege yesterday morning I criticized the Dallas News for its publication of a cartoon depicting a legislator dancing with a Fiesta Maiden at the celebration at San Antonio during the week-end. The statement is wholly untrue, as during my remarks I congratulated the press on having brought to the attention of the Legislature and the people during the last few days the

necessity of serious application to work for the few remaining days of the session.

In the second paragraph of the dispatch the correspondent said that I reviewed the accomplishments of the Senate last week and pointed out that the cigarette gas tax levy was so important that if nothing else had been done merited a week-end holiday. This is also wholly untrue, as I made no reference whatever to the accomplishments of the Senate or to the cigarette gas tax levy passage meriting a holiday. One of the present day tragedies is the decline in accurate, true, clear and wholesome journalism. It seems that the present-day tendency in the journalistic world is to appeal to the passions and prejudices of the people, to distort truth and magnify error.

If a dissolute movie star gets into a marital tangle a full column and a glaring headline is forthcoming. If the manager of some heavyweight prizefighter precipitates suit for a better division of the spoils of victory, he receives full page consideration with a box-car heading. If someone of large means contributes five or ten million dollars for education or philanthropy notice is carried in about two inches of space and in the same paper if a man runs off with another fellow's wife, he is given a bold headliner.

I recognize the potent influence and fine opportunity the press has for real constructive service to the people and urge them to chronicle legislative proceedings and other news in a clear, accurate and truthful way. The members of the Legislature have a right to expect a correct interpretation of their utterances and the reporter owes it to himself and the paper he represents to do this. The people of the State should not be misled by inaccurate and garbled statements made to suit the peculiar slant and fancy of the reporter. I have often noticed that in quoting the remarks of members of the Senate that high spots in argument were frequently never mentioned and some unimportant reference given greater emphasis. Let us hope the press boys, who are all my personal friends, make an earnest effort to furnish the people in an accurate and unbiased way the important news material that naturally de-

velops in the consideration of legislative matters.

BERKELEY.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 42 carefully examined and compared and find same correctly Enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. R. No. 129 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 275 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 201 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 583 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 568 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 284 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 242 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 93 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 410 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 546 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 616 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 615 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 203 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 455 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 539 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 4, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 617, A bill to be entitled "An Act to amend Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, by adding thereto an Article to be Article 1180A, making certain and establishing the right of cities operating under the provisions of said Chapter 13, which may have a population exceeding 150,000 people according to the last or any succeeding Federal Census, to provide improvements and works to control any harmful excess of water by any mechanical means, also to cooperate with other governmental agencies of the State for like purpose and giving such other governmental agencies the power to cooperate with such cities to accomplish control of harmful excess of water; providing for contract between cities and such other governmental agencies for such purpose; and prescribing that money required for such purpose may be provided

by any such city and/or other governmental agency in any manner lawful under the Constitution of Texas and not prohibited by the Chapter and/or statutory act under which any such city or other contracting body politic may have its being; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 116, A bill to be entitled "An Act to amend Article 3690 of Chapter 29, Title 54, of the Revised Civil Statutes of 1925, so as to provide that no commissions shall be allowed or received for receiving any cash which was on hand at the time of the death of the testator or intestate, nor for paying out money to the heirs or legatees as such, except upon the equity of mortgaged property in case any of the property of such testator or intestate was mortgaged at the time of his or her death; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 602, A bill to be entitled "An Act to amend Article 609 of the Revised Civil Statutes of 1925 and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

H. B. No. 1030, A bill to be entitled "An Act providing for the transfer of causes from the Courts of Civil Appeals by the Supreme Court when two or more Judges of the Court or when one Judge is disqualified and the other two Judges are unable to agree upon a disposition of the case; prescribing duties of certain officers; repealing conflicting laws and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 52, A bill to be entitled "An Act to amend Article 3531 of Chapter 19 Title 54 of the Revised Civil Statutes of 1925, relating to the classification of claims against an estate so as to limit the amount of priority of first class claims, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1011, A bill to be entitled, "An Act authorizing Independent School Districts by the exercise of the right of eminent domain, to acquire under certain prescribed rules and regulations and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

H. B. No. 163, A bill to be entitled "An Act repealing Article 5521 and 5523 and amending Article 5520, Chapter 1, Title 91, Revised Civil Statutes of Texas, 1925, relating to vendor's lien, mortgage lien and deed of trust notes secured by lien or real estate, providing time and manner of the running of limitation thereon; and of actions to recover real estate by virtue of a superior title retained by vendors or grantors, and for the presumption of payment and existence of lien; providing the time and manner of enforcement of said notes and the liens to secure the same, and for the expiration of the lien in certain cases; providing for the extension of liens and renewal of notes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 631, A bill to be entitled "An Act to amend Section 2 of Article 2135 Revised Statutes of 1925, so as to provide that all Civil officers of this State and of the United States other than first and second class postmasters shall be exempt from jury service; and to amend Section 9 of said Article so as to provide for the exemption from jury service active members of organized fire companies in towns and cities of one thousand (1,000) population, except where such town or city has one or more paid firemen; and repealing section 8 of said Article 2135 of the Revised Statutes of Texas 1925 and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to who whom was referred

H. B. No. 120, A bill to be entitled "An Act to amend Article 2257, 2238 and 2239 of the 1925 Revised Civil Statutes of Texas, by providing that where the ruling of the court upon the admission or exclusion of evidence is shown by the transcript or statement of acts, and where the objections and exceptions are likewise shown no formal bill of exception shall be necessary, and by providing another method for the preparation of statement of facts and bills of exception, cumulative of the method now provided by law, providing that the costs of the stenographer's transcript shall be taxed against the losing party, and further providing that certain original documentary evidence may be sent up to the Appellate Court on appeal, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 4, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 453, A bill to be entitled "An Act to amend Acts 1927, 40th Legislature, 1st Called Session, Page 131, Chapter 42, Section 2, providing for the appointment of three (3) additional members of the State Board of Health; prescribing the qualifications of such additional members; providing the terms of office, fixing their compensation; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal but not otherwise.

BERKELEY, Chairman.

By Reader.

H. B. No. 453.

A BILL

To Be Entitled

An Act to amend Acts 1927, 40th Legislature, 1st Called Session, page 131, Chapter 42, Section 2, providing for the appointment of three (2) additional members of

the State Board of Health; prescribing the qualifications of such additional members; providing the terms of office, fixing their compensation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 42, Section 2 of the Acts of the 40th Legislature, 1st Called Sessions, page 131, be amended, so as to hereafter read as follows:

"Sec. 2 Composition of State Board of Health, Appointment, Term Of Office: The State Board of Health shall consist of nine (9) members, who shall be appointed by the Governor, and confirmed by the Senate and who shall have the following qualifications: Six (6) of the members shall be legally qualified, practicing physicians, who shall have had not less than five (5) years' experience in the actual practice of medicine within the State of Texas, of good professional standing, and graduates of recognized medical colleges. Of the six (6) members of the Board first appointed under the provisions of this Act, two (2) shall serve for a period of two (2) years, two (2) for a period of four (4) years, and two (2) for a period of six (6) years, or until their successors shall be appointed and shall have qualified, unless sooner removed for cause. Upon the passage of this Act, the Governor shall appoint three (3) members of the Board in addition to the six (6) members now constituting the State Board of Health. One (1) such new member shall be a Doctor of Dentistry, of reputable character, licensed under the laws of this State to practice his profession, and who has had at least five (5) years practical experience in the actual practice of Dentistry in this State; one (1) such member shall be a Pharmacist, of reputable character, licensed under the laws of this State to practice his profession and who has had at least five (5) years practical experience in the actual practice of Pharmacy in this State; and one (1) such member shall be a graduate of some reputable engineering school upon whom such school has conferred the degree of Civil Engineering, and who, since graduation for at least five (5) years, has specialized in sanitary engineering in actual work in this State. The terms of

office of the six (6) present members of the Board shall not be affected by this Act, and the terms of office of three (3) additional members shall be so arranged that one (1) shall serve for two (2) years, one (1) for four (4) years and one (1) for six (6) years. After the expiration of the terms of the first appointees to the Board the terms of all members shall be for six (6) years. The additional members shall be allowed the same compensation in attending meetings of the Board, as well as traveling expenses as provided by this Chapter. The State Health Officer shall be a member ex-officio of the Board but shall not have a right to vote. The Board shall elect a Chairman from among the nine (9) members of the Board who shall serve for a period of two (2) years or until his successor is elected."

Sec. 2. The fact that a reorganization of the State Department of Health is needed, and the importance of this legislation, creates an emergency and a public necessity requiring that the Constitutional Rule, providing that bills shall be read on three several days in each House, shall be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted.

SIXTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
May 5, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Carl Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	